

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 WILLIAM WITTER,

4 Petitioner,

5 vs.

6 E.K. McDANIEL, *et al.*,

7 Respondents.
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) 2:01-CV-1034-GMN-LRL
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10 **ORDER**


11 On November 30, 2006, this court entered an order staying this federal habeas proceeding in
12 order to provide the petitioner, William Witter, an opportunity to exhaust state court remedies.
13 Docket #139. On March 16, 2011, petitioner filed a motion to lift the stay and reopen these
14 proceedings. Docket #160. On April 4, 2011, respondents filed their notice of non-opposition to
15 petitioner's motion. Docket #162.

16 Good cause appearing, the court shall reopen proceedings in this matter. In addition,
17 petitioner will be allowed the opportunity to file an amended petition. However, petitioner is
18 cautioned that, as provided in the order granting the stay (docket #139), an amended petition shall
19 contain only claims for which he has exhausted state court remedies.

20 **IT IS THEREFORE ORDERED** that petitioner's "Motion to Vacate Stay and Reopen
21 Habeas Corpus Proceeding" (Docket #160) is **GRANTED**. The Clerk shall administratively
22 REOPEN this action. The stay of this action is lifted.

23 **IT IS FURTHER ORDERED** that further proceedings in this matter are scheduled as
24 follows:

25 1. **Amended petition.** Petitioner shall have **forty-five (45) days** from the date this
26 order is entered within which to file an amended petition for habeas corpus relief. The amended
petition shall contain only exhausted claims.


Gloria M. Navarro
United States District Judge